

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

OCT 09 2019

Clerk, U.S. District Court  
District of Montana  
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES WAYNE WATSON,

Defendant.

Cause No. CR 19-112-BLG-DLC

ORDER

Since September 16, 2019, the Court has received letter communications from Defendant Watson on ten occasions. The Court has not read any of these communications and will not do so, because Watson is represented by counsel.

At his initial appearance, a defendant is entitled to be advised he has a right to remain silent and that, if he chooses to say anything, his statements may be used against him. *See* Fed. R. Crim. P. 5(d)(1)(E). The Court has listened to the recording of the proceeding to ensure Watson received these advisements. He did. *See* Minutes (Doc. 7).

Unsolicited letters or other communications from a defendant to the Court are statements. They are not privileged or confidential. The Court does not appear to have an obligation or a sound legal reason to shield Watson's statements from the prosecution.

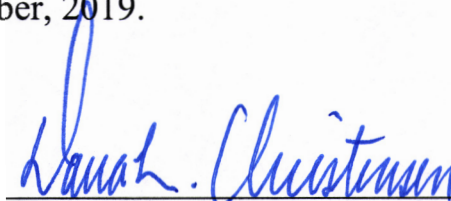
Further, it has long been clear that a defendant has no right to speak and act for himself while he is also represented by retained or appointed counsel. *See, e.g., United States v. Halbert*, 640 F.2d 1000, 1009 (9th Cir. 1981). For this and other reasons, it is inappropriate for a represented defendant to communicate with the Court. Except in specific circumstances not at issue here, it is inappropriate for any defendant, represented or not, to communicate *ex parte* with the Court.

Several of Watson's communications have been addressed to or received by other judges. Anything Watson sends to other judges might be forwarded to the undersigned, or filed per the recipient judge's instructions (which might or might not be identical to the instructions below), or discarded. Watson may not expect any judge will attend to his communications.

Accordingly, IT IS ORDERED that the clerk shall file under seal any further communications from Watson but shall make them available to counsel for Watson and counsel for the United States.

IT IS FURTHER ORDERED that the clerk shall ensure that Watson's counsel has received copies of all communications received by the Court to date.

DATED this 9<sup>th</sup> day of October, 2019.



Dana L. Christensen, Chief Judge  
United States District Court